

RESOLUTION NO. R-94- 952

RESOLUTION DENYING ZONING PETITION DOA81-69 (C)
PETITION OF HENDERSON MENTAL HEALTH CENTER, INC.

WHEREAS, the Board of County Commissioners is the governing body, pursuant to the authority vested in Chapter 125, Florida Statutes, in authorizing petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Petition No. DOA81-69 (C) was presented to the Board of County Commissioners at a public hearing conducted on July 28, 1994; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. An amendment to a development order must comply with the standards of the original development order.
2. The standards applied to approval of a planned development are contained on Section 5.3 of the Unified Land Development Code which states that failure to meet any standard shall be deemed to be adverse to the public interest and the amendment may not be approved.
3. This development order amendment is in conflict with the civic site requirements of the Code and is inconsistent with the purpose and intent of the Code.
4. The civic site was required by the zoning code in effect at the time the development was approved and is also a requirement under the existing code.
5. Unless the civic site requirement is satisfied through a "cash out" of the use, the property must be used as a civic site and remain a part of the Planned Unit Development.
6. The Board of County Commissioners determined that a "cash out" of the site was not appropriate unless full market value was provided, as required by policy and as has been done in all other civic site "cash outs".
7. To allow the deletion of this property without a "cash out" would create a non-conforming Planned Unit Development, which is not permitted by the Code.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition No. DOA81-69(C), the petition of Henderson Mental Health Center for a Development Order Amendment (DOA) to decrease acreage in the Medium Residential (RM) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was denied on July 28, 1994.

Commissioner Roberts moved for approval of the Resolution.

The motion was seconded by Commissioner Foster and, upon being put to a vote, the vote was as follows:

Mary McCarty, Chair	Aye
Ken L. Foster	Aye
Karen T. Marcus	Aye
Carol A. Roberts	Aye
Warren H. Newell	Absent
Burt Aaronson	Aye
Maude Ford Lee	Nay

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of July, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
COUNTY ATTORNEY

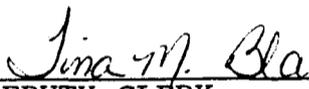
BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION: REVISED BOUNDARY - WILLOW BEND P.U.D.

A PARCEL OF LAND IN BLOCK 23, PALM BEACH FARMS COMPANY PLAT NO. 3, IN SECTIONS 20, 21, 28, AND 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 47, SAID PARCEL BEING A PORTION OF TRACT 73 THROUGH 79, INCLUSIVE, ALL OF TRACTS 105 THROUGH 110 INCLUSIVE AND A PORTION OF TRACTS 80, 81, 82, 111, 85, 86, 87, AND 88, AND ALL OF TRACTS 83 AND 84; ALSO THAT PART OF THE 30 FOOT PLATTED RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO TRACT 105 THROUGH 111 OF SAID BLOCK 23, SAID ROAD RIGHT-OF-WAY BEING OFFICIALLY ABANDONED ON MAY 14, 1974 AND RECORDED IN OFFICIAL RECORD BOOK 2310, PAGE 1679; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 105; THENCE ON AN ASSUMED BEARING OF WEST, A DISTANCE OF 15.00 FEET, TO THE INTERSECTION OF THE SOUTH LINE OF SAID TRACT 105 AND THE WESTERLY RIGHT-OF-WAY LINE OF NASSAU ROAD AS NOW LAID OUT AND IN USE, AND THE POINT OF BEGINNING;

FROM THE POINT OF BEGINNING, THEN CONTINUE WEST, A DISTANCE OF 2125.47 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA TURNPIKE INTERCHANGE, AS SAID RIGHT-OF-WAY IS LAID OUT AND IN USE; THENCE N00°00'38"E ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 362.59 FEET TO A LINE MARKING THE EASTERLY RIGHT-OF-WAY LINE OF SAID FLORIDA TURNPIKE INTERCHANGE AND E-2 CANAL; THENCE TRAVERSING ALONG SAID EASTERLY RIGHT-OF-WAY LINE THROUGH THE FOLLOWING COURSES AND DISTANCES: N59°38'09"E, 133.47 FEET, N00°00'38"E, 42.72 FEET, N13°14'48"W, 304.44 FEET, N39°39'02"W, 304.21 FEET, N52°45'17"W, 199.88 FEET, N41°38'45"W, 199.87 FEET, N09°16'55"W, A DISTANCE OF 206.85 FEET TO A LINE 25 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 80 (SAID PARALLEL LINE ALSO BEING A PORTION OF SAID EASTERLY RIGHT-OF-WAY LINE); N00°02'01"W ALONG SAID PARALLEL LINE A DISTANCE OF 483.72 FEET TO A LINE 50 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 80; THENCE DEPARTING FROM SAID EASTERLY RIGHT-OF-WAY LINE ALONG SAID PARALLEL LINE S89°58'18"E, A DISTANCE OF 2599.42 FEET TO THE WEST RIGHT-OF-WAY LINE OF NASSAU ROAD; THENCE S00°00'29"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1960.25 FEET TO THE POINT OF BEGINNING

EXHIBIT B
VICINITY SKETCH

